



BEFORE THE VIDUYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDUYUT OMBUDSMAN

TUESDAY THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

Appeal No. 18 of 2024-25

Between

M/s. Agarwal Foundries, represented by its Proprietor Sri Pramod Kumar Agarwal,
s/o. Late Maniklal Agarwal, Sy.No.66, Petbasheerabad, Quthbullapur,
Ranga Reddy District - 501505.

.....Appellant

AND

1. The Assistant Divisional Engineer/Operation/Quthbullapur/ TGSPDCL /Medchal Circle.
2. The Divisional Engineer/Operation/Medchal/TGSPDCL/Medchal Circle.
3. The Senior Accounts Officer/Operation/Medchal Circle/TGSPDCL/ Medchal Circle.
4. The Superintending Engineer/Operation/Medchal Circle/TGSPDCL/ Medchal Circle.
5. The Chief General Manager/Commercial/TGSPDCL/Hyderabad.

..... Respondents

This appeal is coming on before me for final hearing today in the presence of Sri B. Ravinder Kumar Srivatsava - authorised representative of the appellant and Sri M.A.Razzak - AAO/ERO/Medchal, Sri R. Satyanarayana - ADE/OP/Quthbullapur, Sri P. Srinath Reddy - DE/OP/Medchal, Sri G. Madhusudhan Reddy - SAO/OP/Medchal Sri Pothuraju John - DE/Commercial for the respondents and having stood over for consideration, this Viduyut Ombudsman passed the following:-

AWARD

This appeal is preferred aggrieved by the Award passed by the Consumer Grievances Redressal Forum - II (Greater Hyderabad Area), (in short 'the Forum') of Telangana State Southern Power Distribution Company Limited (in short 'TGSPDCL') in C.G.No.04/2024-25/Medchal Circle dt.07.06.2024, dismissing the complaint.

CASE OF THE APPELLANT BEFORE THE FORUM

2. The case of the appellant is that the respondents have released HT Service Connection No. RRN 620 (now MCL 620) for supply of Contracted Maximum Demand (in short 'CMD') of 1501 KVA from time to time on a dedicated feeder of 33 kV line. The initial agreement was executed on 06.09.2000. Respondent No.1 issued CC charges bill dt.26.06.2004 for June 2004 billing month by applying voltage surcharge rate in violation of Clause B (1) of General Terms and Conditions of Supply (in short 'GTCS'). The Director (Commercial) APCPDCL has stated vide Lr.No.SE(Coml.)/DE(C)/ADE-I/D.No.1440/03 dt.11.08.2003 (in short "the subject letter") that appellant's feeder is a dedicated feeder. In view of this admission doctrine of estoppel applies in this case.

3. As per Clause B(1) of GTCS, the dedicated feeder consumer is entitled to draw upto 10000 KVA from 33 kV feeder. In the present case the appellant is having 33 kV dedicated line to draw CMD upto 10000 KVA from all sources. Therefore the application of voltage surcharge doesn't arise from

June 2004 to September 2008. Therefore it was prayed to set aside the claim of Rs.3,45,69,048/- towards voltage surcharge pertaining to the period from June 2004 to September 2008, to refund Rs.69,55,795/- deposited as per the direction of the Hon'ble High Court along-with interest of Rs.2,64,50,758/- @ 24% p.a., totalling to Rs.3,34,06,553/- with further interest etc.,

WRITTEN SUBMISSIONS OF THE RESPONDENTS

4. In the written reply filed by respondent No.4, before the learned Forum, it is, inter-alia, submitted that the subject Service Connection was released initially with CMD of 100 KVA at 11 kV voltage to the appellant for manufacturing of billets. The appellant has availed additional load at 11kV supply as mentioned below:-

Date	Fresh/Additional load	Total	KV
19-11-1994 (Release of supply)	100 KVA	100 KVA	11
13.09.1995	380 KVA	480 KVA	11
06.09.1999	470 KVA	950 KVA	11
27.01.2000	530 KVA	1480 KVA	11

5. The respondents have erected 2.5 KM of 11 kV line to the appellant when 470 KVA additional load was released to it. He only paid Rs.15,00,000/-, part of the amount, out of the estimated amount for getting the status of independent feeder. The amount paid by the appellant was adjusted. Again the appellant has requested for conversion of HT supply from 11 kV to 33 kV

duly enhancing the load of 21 KVA to the existing 1480 KVA making a total of 1501 KVA at 33 kV. Sanction was accorded for the same. The appellant has only laid 300 mtrs of 33 kV fresh tapping line to the existing 33 kV line from 220/132/33 kV Shapur Nagar, sub-station. The appellant has not paid any amount to lay 33 kV line from Shapur Nagar SS to 33/11 kV Jeedimetla and 33/11 kV Gundlapochampally SS. For independent feeder the consumer shall pay the full cost of line as per standards specified by APTRANSCO / DISCOMs including taking of arrangements at sub-stations. As per Tariff Order of A.P.Electricity Regulatory Commission, in case, in any month the Recorded Maximum Demand (in short 'RMD') of the consumer exceeds his contracted demand with the licensee, the consumer shall pay the necessary charges on excess demand recorded and on the entire energy consumed. As per the Clause 3.2.2.1 of General conditions of HT supply are as follows:-

A. Voltage of Supply

i. HT Consumers intending to avail supply on common feeders shall be: for total Contracted Demand with the Company and all other sources like APGPCL, Mini Hydel, Wind Power, MPPs,Co-Generating plants etc.,

Contracted Demand	Voltage level
Upto 1500 KVA	11 kV
1501 KVA to 5000 KVA	33 kV
Above 5000 KVA	132 kV or 220 KV as may be decided by the licensee

ii. HT Consumer intending to avail supply through independent feeders from substation shall be:

For total Contracted Demand by applicants seeking HT supply through independent feeders from the sub-stations, with the Company and all other sources like APGPCL, Mini Hydel, Wind power, MPPs, Co-Generating Plants etc;

Contracted Demand	Voltage level
Upto 2500 KVA	11 kV
2501 KVA to 10000 KVA	33 kV
Above 10000 KVA	132 kV or 220 KV

The relaxations under this Clause are subject to the fulfilment of following conditions as stated in the Tariff Order:-

- i. The consumer should have an exclusive dedicated feeder from the sub-station.
- ii. The consumer shall pay full cost of the service line as per standards specified by APTRANSCO/DISCOM including take off arrangements at sub-station.
- iii. The consumer shall not use captive generation except as permitted by the APERC.

B. Voltage Surcharge

HT Consumers who are now getting supply at voltage different from the declared voltages and who want to continue to take supply at the same

voltage will be charged as per the prescribed rates.

For HT consumer availing supply through Common feeders

Sl.No.	Contracted Max Demand with DISCOM and other sources	Voltage at which supply should be availed	Voltage at which consumer is availing supply	Rates % extra over normal rates	
				KVA	KWH
1.	70 to 1500	11	6.6 or below	12 %	10 %
2.	1501 to 5000	33	11 or below	12 %	10 %
3.	Above 5000	132 or 220	66 or below	12 %	10%

For HT consumer availing supply through independent feeders:-

Sl.No.	Contracted Max Demand with DISCOM and other sources	Voltage at which supply should be availed	Voltage at which consumer is availing supply	Rates % extra over normal rates	
				KVA	KWH
1.	70 to 2500	11	6.6 or below	12%	10%
2.	2501 to 10000	33	11 or below	12%	10%
3.	Above 10000	132 or 220	66 or below	12%	10%

As the consumer has been using the power supply of both APCPDCL as well as third party supply the bills were issued accordingly.

	Mar-04	Apr-04	May-04	Jun-04
RMD	5274	2929.5	5316	5532
WHEEL MD	3395.86	1476.54	3200.74	3646.6
BMD	1878.14	1452.96	2115.26	1885.4
CMD	1501	1501	1501	1501
Penalty KVA	377.14	NIL	614.26	384.4

But for the month of June 2004, the RMD of the consumer was 5532 KVA and the consumer purchased electricity from third parties as follows:-

Sl.No.	Name of the supply	KWH share	KVA Share
1.	HCL Agro Power Ltd.	1042769	1555.63
2.	Jyothi Bio-Energy (P) Ltd.,	292295	422.7
3.	Rain Calcining Ltd.,	971131	1668.27
	Total	2306195	3646.6

In view of the above tariff conditions as the appellant falls under common feeder category, the CMD through all sources can be at 33 KV upto 5000 KVA only. As the consumer used demand of 5532 KVA, it is beyond the permitted

voltage of supply and hence it attracts voltage surcharge as shown under:-

RMD	5532.00
B WHEEL MD	3646.60
DIFF	1885.40
CMD	1501.00
EXCEEDING CMD	384.40

The total eligibility of the consumer under 33 KV voltage supply was 5000 KVA but in the month of June-04, actual realisation was as follows:-

APCPDCL	1501.00
THIRD PARTY	3646.60
	5147.60

Therefore it was prayed to reject the complaint.

AWARD OF THE FORUM

6. After considering the material on record and after hearing both sides, the learned Forum has dismissed the complaint.

7. Aggrieved by the Award passed by the learned Forum, the present appeal is preferred, reiterating the contents of its complaint before the learned Forum.

GROUND OF APPEAL

8. In the grounds of appeal it is inter-alia, submitted that the learned Forum did not consider the subject letter in a proper way; that the appellant has completed the erection of 33 kV line for 300 mtrs gap and started to avail power supply on 33 kV dedicated line. The RMD cannot be considered for the purpose of voltage surcharge. The voltage surcharge provision prescribed CMD only. Therefore it is prayed to set aside the impugned Award, to declare the service of the appellant as dedicated line; to refund the voltage surcharge amount of Rs.3,45,69,048/- pertaining to the period from June 2004 to September 2008, to refund Rs.69,55,795/- deposited as per the direction of the Hon'ble High Court along-with interest of Rs.2,64,50,758/- @ 24% p.a., totaling to Rs.3,34,06,553/- with further interest etc.,

WRITTEN SUBMISSION OF RESPONDENTS

9. In the written reply filed by respondent No.4, he has reiterated the contents of his written reply filed before the learned Forum. It is accordingly prayed to reject the appeal.

10. In the rejoinder filed by the appellant it is inter-alia, submitted that the voltage surcharge rates apply when the consumer is having CMD of 1501 KVA to 5000 KVA and availing power supply at 11 kV instead of 33 kV etc.,

ARGUMENTS

11. The authorised representative of the appellant has submitted written arguments, contending among other things, that the appellant was having 33 kV dedicated line and the appellant itself erected the said dedicated line; that the Director (Commercial) vide subject letter informed that the feeder of the appellant is independent feeder; that the Divisional Engineer/Op/Kukatpally also certified that the feeder of the appellant is 33 kV dedicated feeder and that the RMD cannot be taken into consideration for imposing voltage surcharge. Hence he prayed to set aside the entire voltage surcharge and to direct the respondents to refund the entire amounts paid by the appellant with interest @ 24% pa., till its payment.

12. On the other hand, it is submitted on behalf of the respondents, that the appellant has erected only 300 meters of the line from existing 33 kV feeder and not erected the line from 220 /132/33 kV Shapur Nagar Sub Station and as such the feeder of the appellant is common feeder; that levying of voltage surcharge on the appellant is proper and therefore the question of refund of the amounts paid by the appellant does not arise. It is accordingly prayed to reject the appeal.

POINTS

13. The points that arise for consideration are:-

- i) Whether the feeder of the appellant is a dedicated feeder?
- ii) Whether the appellant is not liable to pay the voltage surcharge?
- iii) Whether the appellant is entitled for refund of the entire amount paid by it towards voltage surcharge with interest @ 24% p.a., till the date of refund?
- iv) Whether the impugned Award passed by the learned Forum is liable to be set aside ? and
- v) To what relief?

POINT Nos. (i) to (iii)

ADMITTED FACTS

14. It is an admitted fact that the licensee-respondents have released the subject Service Connection initially on 19.11.1994 with 100 KVA load. Subsequently additional loads were released as requested by the appellant. The initial load was supplied through 11 kV feeder. Subsequently the power was supplied from a 33 kV feeder.

SETTLEMENT BY MUTUAL AGREEMENT

15. Both the parties have appeared before this Authority virtually and physically. Efforts were made to reach a settlement between the parties through the process of conciliation and mediation. However, no settlement could be reached. The hearing, therefore, continued to provide reasonable

opportunity to both the parties to put-forth their case and they were heard.

REASONS FOR DELAY IN DISPOSING OF THE APPEAL

16. The present appeal was filed on 18.07.2024. This appeal is being disposed of within the period of (60) days as required.

EARLIER LITIGATION

17. The respondents have levied surcharge on the appellant after it exceeded 5000 KVA on the ground that it supplied power through a common feeder. A bill dt.26.06.2004 was issued by levying surcharge. Challenging the same, the appellant filed W.P.No. 11973 of 2004. On 28.04.2007, the Chief General Manager of the respondents required the appellant to pay necessary charges in the form of the cost of 33 kV feeder from 220/132/33 kV Shapur Nagar sub-station including takeoff arrangements, as a condition precedent for the sanction of additional 4499 KVA totalling 6000 KVA. Challenging the same, the appellant filed W.P.No. 11715 of 2007. W.P.No.11973 of 2004 was allowed on 26.07.2007 with a common order with an observation that the appellant herein is liable to be levied surcharge from the date of judgement. W.P.No.11715 of 2007 was dismissed.

18. The appellant preferred Writ Appeal No.688 of 2007 aggrieved by the order passed in W.P.No. 11973 of 2004 directing surcharge on the appellant from 26.11.2007, the date of judgement, in the event of power consumption exceeding the permissible limits. The appellant also preferred Writ Appeal No. 745 of 2007 against the dismissal of W.P.No.11715 of 2007.

W.A.No.959 of 2007 was filed by the Central Power Distribution Company of Andhra Pradesh Ltd., (now Telangana) along-with two other officials against the order of the learned single Judge partly allowing W.P.No.11973 of 2004 holding that surcharge levied upto the date of Judgement i.e., 26.11.2007 could not be sustained. The Division Bench of the Hon'ble High Court has allowed W.A.No.959 of 2007 and dismissed W.A.Nos. 688 and 745 of 2007 on 26.10.2022.

19. The appellant approached the Hon'ble Supreme Court by filing Special Leave to Appeal (c) No.(s) 21879 -21881 of 2022 against the judgement of the Hon'ble Division Bench in W.A.No.688 of 2007, W.A.No.745 of 2007 and W.A.No. 959 of 2007 dt.26.10.2022. The Hon'ble Supreme Court vide its order dt. 01.04.2024 permitted the appellant to approach the learned Forum to decide the issue on merits after considering the contentions of both sides therein.

20. The main dispute in this matter is the imposing of voltage surcharge. This imposition of voltage surcharge is based on whether the feeder is dedicated or common, apart from other conditions. Dedicated feeder and independent feeder are one and the same.

CRUX OF THE MATTER

21. The meaning of surcharge as per Chambers Dictionary is 'an overcharge', 'an extra charge' 'an excessive load' 'an overload condition'

etc., According to the respondents when overloading in excess of CMD over 33 kV lines, the voltage surcharge is automatic and is liable to be charged at the rate fixed under the tariffs as per the statute and it has a statutory force. If the consumers overload the system indiscriminately, without proper approval it would lead to overburdening of the lines and may lead to grid collapse. The intention of the Commission on levy of voltage surcharge is to restrict such consumers to utilise the allocated contracted demand including all other sources within permissible voltage of supply.

22. According to the appellant it manufactured Mild Steel Ingots. It appears that in July 2000 at the request of the appellant its contracted load was enhanced to 1501 KVA in terms of maximum demand and the supply channel was through a 33 kV feeder. The material on record goes to show that the appellant exceeded 5000 KVA power in June 2004. As regards power supply there is distinction between the HT consumers of independent/dedicated feeder and common feeder. In case of 33 kV dedicated feeder, the maximum limit stipulated is 10000 KVA. In case of 33 kV common feeder it is 5000 KVA. On the ground that the appellant exceeded 5000 KVA, the respondents levied voltage surcharge. A bill was issued accordingly on 26.06.2004. This ignited the dispute.

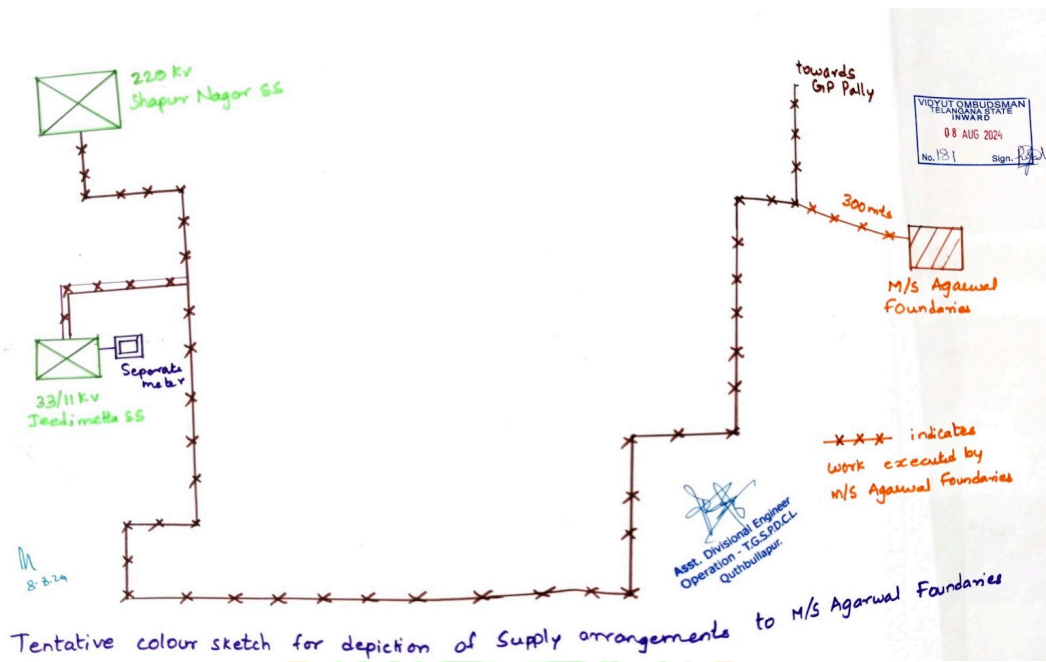
23. The appellant claims that its feeder is dedicated feeder. On the contrary, the respondents claim that it is a common feeder. This is the crux of

the matter. There are certain parameters to decide as to the status of such a feeder. At this stage it is necessary to refer to the definition of the Dedicated Feeder. Clause 2(f) defines dedicated feeder as under:-

“Feeder emanating from sub-station where transformation to the required voltage takes place and feeds power to a single consumer having contracted capacity of minimum 50% of line capacity or more. The consumer shall bear the full line cost including take off arrangements at the substation end of the licensee. In such cases, the billing meter shall be provided at the licensees' substation.”

The above definition of dedicated feeder makes it quite clear that when the consumers want to take benefit of dedicated or independent feeder they have to pay full cost of line as per standards specified by TRANSCO/DISCOM concerned including take off arrangements at substation etc.,

24. The main argument of the respondents is that the appellant has not paid the cost of entire length of 33 kV line from 220/132/33 kV Shapur Nagar sub-station to the appellant's factory premises and also has not paid the cost of take off arrangements at 220/132/33 kV Shapur Nagar sub-station which needs 33 kV VCB along-with other required equipments and the appellant has not executed the work towards takeoff arrangements at sub-station. At this stage it is necessary to refer to the sketch map filed by respondent No.1 before this Authority on 08.08.2024, which is as under:-



In the above map, the 300 meters line is shown in Orange Color which is a line erected by the appellant from existing 33 kV feeder to the premises of the appellant. This map also indicates that originally the 33 kV feeder emanated from 220/132/33 kV Shapur Nagar Sub-station. It is shown in brown colour in the above map. Admittedly this line in brown colour was laid with the expenditure of the respondents. Therefore it cannot be accepted that since the appellant erected mere 300 meters of line it is the dedicated feeder of the appellant.

25. At this stage it is necessary to refer Clauses 3.2.2.1 and 3.2.2.2 of GTCS and Voltage Surcharge Clause of Tariff Order 2004-05 which are as under:-

3.2.2.1 HT consumers intending to avail supply on common feeders:

For total Contracted Demand with the Company and all other sources like APGPCL, Mini Hydel, Wind Power, MPPs, Co-Generating Plants etc:

Contracted Demand	Voltage level
Upto 1500 KVA	11 kV
1501 KVA to 5000 KVA	33 kV
Above 5000 KVA	132 kV or 220 KV as may be decided by the licensee

3.2.2.2 HT consumers intending to avail supply through independent feeders from substation

For total Contracted Demand by applicants seeking HT supply through independent feeders from the sub-stations, with the Company and all other sources like APGPCL, Mini Hydel, Wind Power, MPPs, Co-Generating Plants etc., shall be:-

Contracted Demand	Voltage level
Upto 2500 KVA	11 kV
2501 KVA to 10000 KVA	33 kV
Above 10000 KVA	132 kV or 220 KV

Voltage Surcharge

(1) HT Consumers who are now getting supply at voltage different from the declared voltages and who want to continue to take supply at the same voltage

will be charged as per the rates indicated below:-

Common feeders

Sl.No.	Contracted Max Demand with DISCOM and other sources	Voltage at which supply should be availed	Voltage at which consumer is availing supply	Rates % extra over normal rates	
				KVA	KWH
1.	70 to 1500	11	6.6 or below	12 %	10 %
2.	1501 to 5000	33	11 or below	12 %	10 %
3.	Above 5000	132 or 220	66 or below	12 %	10%

Note: The FSA will be extra as applicable

For HT consumer availing supply through independent feeders:-

Sl.No.	Contracted Max Demand with DISCOM and other sources	Voltage at which supply should be availed	Voltage at which consumer is availing supply	Rates % extra over normal rates	
				KVA	KWH
1.	70 to 2500	11	6.6 or below	12%	10%
2.	2501 to 10000	33	11 or below	12%	10%
3.	Above 10000	132 or 220	66 or below	12%	10%

Note: The FSA will be extra as applicable

The above parameters show that of the HT consumer avail supply through independent feeder from 2501 to 10000 KVA, the consumer has to avail voltage supply from 33 kV. But in case of common feeder 1501 to 5000 KVA the consumer has to avail voltage supply from 33 kV.

26. As already stated, the dispute in the present case started when the respondents issued CC bill dt.26.06.2004 for June 2004 levying surcharge of Rs.9,78,606/-. The appellant claiming Rs. 3,45,69,048/- already paid, pertaining to the period from June 2004 to September 2008, and Rs.69,55,795/- deposited as per the direction of the Hon'ble High Court along-with interest of Rs.2,64,50,758/- @ 24% p.a., totaling to Rs.3,34,06,553/-. The respondents claimed that the power supply was given to the appellant through a 33 kV common feeder whereas the appellant claimed that it is an independent feeder. As already stated, the appellant has not fulfilled the criteria for getting the status of dedicated feeder which is feeding electricity to the appellant's factory.

27. The consumption of power by the appellant exceeded 5000 KVA occasionally including the Open Access. The respondents have levied the voltage surcharge. Considering all these aspects the respondents have properly levied the voltage surcharge on the appellant as per the relevant Clauses. The main reason for concluding the feeder in question as common feeder according to the respondents that the appellant has not erected the entire line from 220/132/33 kV Shapur Nagar sub-station upto the premises of the appellant except for 300 meters. This reason is proper. Therefore the feeder of the appellant is not a dedicated feeder and the appellant has been using a common feeder. Further as rightly argued by the respondents, it is the

RMD that is to be taken to the consideration for the purpose of imposing voltage surcharge.

DOCTRINE OF PROMISSORY ESTOPPEL

28. It is the argument of the authorised representative of the appellant that the subject letter was issued stating that the appellant has been using the dedicated feeder and the Divisional Engineer has also issued a similar letter in February 2003. Therefore now the respondents cannot turn around and deny their admission in the above said letters about the dedicated feeder of the appellant.

29. The Doctrine of Promissory Estoppel is mentioned in Secs. 115,116 and 117 of the Indian Evidence Act. This principle is applicable mainly between two private parties. Initially the Constitutional Courts in India have held that this principle is also applicable against the Government. But in the later stage, the Hon'ble Courts have held that the Principle of Doctrine of Promissory Estoppel is not applicable against the Government or statutory authorities like the respondents. Therefore this principle does not apply in the instant appeal. More-over the facts in the instant case are known to both parties herein. This circumstance also doesn't allow the appellant for pressing the principle of this Doctrine of Promissory Estoppel. Apart from this, in the present case the ground reality is completely different and when the appellant has erected only 300 meters of line and not erected the entire line including

take off arrangements at 220/132/33kV Shapur Nagar SS as mentioned in the relevant Regulations, no letters referred to above are useful to the appellant to conclude that the respondents have supplied power to the appellant from a dedicated feeder in this case. Therefore this principle is also not helpful to the appellant.

CASE LAW

30. The appellant has relied upon the Awards passed by this Authority in Appeal No. 45 and 52 of 2015 dt.06.07.2015. Both appeals arose out of the same Award of the learned Forum. A perusal of the Award in these appeals, it is clear that admittedly the consumer was using dedicated feeders in those cases. Whereas in the present appeal, though the appellant claimed that it used a dedicated feeder, in fact, it is a common feeder as argued by the respondents. Therefore these Awards are not helpful to the appellant.

31. The appellant has relied upon one more Award passed by this Authority in Appeal No. 24 of 2016 dt.06.06.2016. A perusal of the Award goes to show that the consumer was using the power supply within the limits, but in spite of that, the respondents in that appeal have imposed voltage surcharge which was set aside by this Authority. Thus the facts in the said appeal and the facts in the present case are quite distinct. Therefore this Award is not helpful to the appellant.

32. The learned authorised representative of the appellant has relied upon the judgement of the Hon'ble High Court in M/s. Aurobindo Pharma Ltd., represented by its Manager (legal) Hyderabad (in both WPs) and M/s. Transmission Corporation of A.P. Ltd., (APTRANSCO) represented by its Managing Director, Vidyut Soudha, Hyderabad and ors. (W.P.Nos. 16804 and 17311 of 2008) dt.27.09.2010 (in both WPs) wherein it is held that the surcharge in that case was collected for overloading the 11 kV lines which ultimately resulted in loss of energy in transmission and as such under those circumstances the Hon'ble High Court has held that collecting of voltage surcharge could not be either unscientific or penalty as contended by the petitioner therein and as such imposition of voltage surcharge is as per the tariffs fixed by the APERC for FY 2008-09. In fact, this judgement helps the respondents with full force.

CONCLUSION

33. Even the appellant argued that basing on Clause 6.2 of Regulation 3 of 2004, if the consumer erects the required line with its expenditure it can be termed as a dedicated feeder. This argument cannot be accepted. At the cost of repetition erection of the entire length of line is mandatory for getting the power supply from a dedicated feeder.

34. In view of the above discussion, I hold that the feeder of the appellant is not a dedicated feeder and as such the appellant is liable to pay

the voltage surcharge levied by the respondents and therefore the appellant is not entitled for any refund of the said amounts. The learned Forum has rightly discussed the points involved in the case and came to the correct conclusion which does not require any interference. These points are accordingly decided against the appellant and in favour of the respondents and the Award of the learned Forum is not liable to be set aside.

POINT No. (iv)

35. In view of the findings on point Nos. (i) to (iii), the appeal is liable to be rejected.

RESULT

36. In the result, the appeal is rejected confirming the Award passed by the learned Forum.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive cum Computer Operator, corrected and pronounced by me on the 13th day of August 2024.

**Sd/-
Vidyut Ombudsman**

1. M/s. Agarwal Foundries, represented by its Proprietor Sri Pramod Kumar Agarwal, s/o. Late Maniklal Agarwal, Sy.No.66, Petbasheerabad, Quthbullapur, Ranga Reddy District - 501505.

2. The Assistant Divisional Engineer/Operation/Quthbullapur/
TGSPDCL/Medchal Circle.
 3. The Divisional Engineer/Operation/Medchal/TGSPDCL/Medchal Circle.
 4. The Senior Accounts Officer/Operation/Medchal Circle/TGSPDCL/ Medchal
Circle.
 5. The Superintending Engineer/Operation/Medchal Circle/TGSPDCL/ Medchal
Circle.
 6. The Chief General Manager/Commercial/TGSPDCL/Hyderabad.
- Copy to**
7. The Chairperson, Consumer Grievances Redressal Forum of TGSPDCL-
Greater Hyderabad Area, Door No.8-3-167/E/1, Central Power Training
Institute (CPTI) Premises, TSSPDCL, GTS Colony, Vengal Rao Nagar,
Erragadda, Hyderabad - 45.

